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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,104	08/30/2006	Masaaki Ofuji	MAT-8871US	6356
53473	7590	01/07/2009		
RATNERPRESTIA P.O. BOX 980 VALLEY FORGE, PA 19482			EXAMINER VERAA, CHRISTOPHER	
			ART UNIT 3611	PAPER NUMBER
			MAIL DATE 01/07/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/591,104

Applicant(s)

OFUJI ET AL.

Examiner

CHRISTOPHER E. VERA

Art Unit

3611

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,9 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gusman et al (US-1669052) in view of Strauch (US-4817318).

As to claim 1, Gusman et al teaches a display part 9, a take up part 12, a pulling part 2, a holding part comprising a linkage comprising rails 3 and 4. Gusman et al teaches a linkage having three pairs of cross-linked rails, but not two rails that extend entirely from the pulling part to the take-up part. Strauch teaches a collapsible sign with a linkage having just two rails that extend entirely from one side of the sign to the other. It would have been obvious to one of ordinary skill in the art to construct the linkage of Gusman et al with only 2 rails rather than three pairs of rails, since this is a known alternative to achieve the same result which would produce no unexpected result. Also, one of ordinary skill in the art would appreciate that two rails can be collapsed more compactly than six and the linkage taught by Strauch can achieve the same result with less parts.

As to claims 2-4, Gusman et al teaches two rails in a shape of an X, including first and second rail supports, 5 and 6, on each of the pulling and take-up parts, where

one support holds the end of a rail rotatably and a second support that holds the end of the rail rotatably and slidably, as at 7 and 8.

As to claim 6, a part of the screen faces a part of the rails when the device is open.

Claims 5, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gusman et al (US-1669052) in view of Strauch (US-4817318) and further in view of Takamoto et al (US-6249377).

Gusman et al lacks an elastic member. Takamoto teaches an elastic member 22 that biases the screen assembly closed. It would have been obvious to one of ordinary skill in the art to include an elastic member since all the claimed elements were known in the art and their combination would have required only ordinary skill in the art to achieve predictable results.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gusman et al (US-1669052) in view of Strauch (US-4817318) and further in view of Seidel (US-6557280). Gusman lacks power and audiovisual circuits. Seidel teaches a roll up screen with power and audiovisual circuits and wiring in the take up part. Seidel teaches powering the device with batteries, but external sources of power are well known and modifying the device to use an external power source would have required only routine skill in the art to produce predictable results. It would therefore have been

obvious to include power and audio visual wiring connected to an external power supply in order to enhance the appeal of the display.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gusman et al (US-1669052) in view of Strauch (US-4817318) and further in view of Cruz-Uribe et al (US-6853486). Gusman et al lacks a shield. Cruz Uribe et al teaches a projection screen that includes a layer 88 that can shield the screen from magnetic influence. It would have been obvious to one of ordinary skill in the art to modify the screen of Gusman et al to incorporate the features of the screen taught by Cruz-Uribe et al in order to provide a screen with enhanced contrast. Such modification would include the layer 88.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gusman et al (US-1669052) in view of Strauch (US-4817318) and further in view of Seidel (US-6557280) and further in view of Cruz-Uribe et al (US-6853486). Gusman et al lacks a shield. Cruz Uribe et al teaches a projection screen that includes a layer 88 that can shield the screen from magnetic influence. It would have been obvious to one of ordinary skill in the art to modify the screen of Gusman et al to incorporate the features of the screen taught by Cruz-Uribe et al in order to provide a screen with enhanced contrast. Such modification would include the layer 88.

Allowable Subject Matter

Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER E. VERA whose telephone number is (571)272-2329. The examiner can normally be reached on Monday through Friday, 8:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. E. V./
Examiner, Art Unit 3611

/Paul N. Dickson/
Supervisory Patent Examiner, Art Unit 3611